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MAR 1 1 2003	IN THE UNITED STATES PATEN (Case No.	T AND TRADEMARK OFF 98,723-E1)	TICE PATENT
TA MALENS	Application of:	)	4/24/0
Serial Filed:	Juan Saus  No.: 10/008,721  December 7, 2001	) Art Unit: <b>164</b> ) Examiner: <b>To</b>	
For:	TNF-Inducible Promoters And Methods For Using	)	
	nissioner for Patents ngton, D.C. 20231 TRANSMIT	TAL LETTER MAR	CEIVED 1 4 2003
Sir:	We are transmitting herewith the attact application:    Information Disclosure Statement   Information Disclosure Statement   Copy of International Search Reserved   S1 cited References   Return Receipt Postcard	thed papers for the above-int (9 sheets); nt Form 1449 (4 sheets);	TER 1600/2900ent
2. W	Vith respect to fees:  No fee is due.  Please charge the total filing fee of \$0.00 A duplicate copy of this sheet is enclosed.	•	3-2490.
un he "E	ERTIFICATE OF MAILING BY "EXPR ndersigned hereby certifies that this Transmittal ereinabove, are being deposited with the United Express Mail Post Office to Addressee" in an evashington, D.C. 20231 on this	Letter and the paper, as described States Postal Service with sufferivelope addressed to: Commiss	ed in paragraph 1 ficient postage as sioner for Patents,

By: David S. Harper Registration No. 42,636

MELL BOEHNEN T & BERGHOFF WACKER DRIVE LINGIS 60606 312) 913-0001





# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Case No. 98,723-E1)

In the Application of: Saus, J		)
		) Art Unit: 1645
Serial No.	10/008721	) Examiner: To be assigned
Filed:	December 7, 2001	)
Title: TNF-1	Inducible Promoters and Methods for Using	)

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### INFORMATION DISCLOSURE STATEMENT

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Commissioner for Patents Washington, D.C. 20231

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Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

	This Informa	ation Disclosure Statement	is being filed:	
	date of entry	into the national stage as	s set forth in 37 C.I	tion; within three months of the F.R. § 1.491 in an international ction on the merits. 37 C.F.R.
	after three months of the filing date of a national application, or the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or after the mailing date of a first Office Action on the merits, but <u>before</u> the mailing date of a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), and includes (37 C.F.R. § 1.97 (c):			
	the C	ertification under 37 C.F.I	R. § 1.97(e) (see "Co	ertification" below)
			OR	
	the fe	e of \$180 set forth in 37 C	C.F.R. § 1.17(p) (see	"Fees" below).
	1.311 (which issue fee, an below), and to Payment of Information	d includes the Certification the Petition Fee set forth in Fees" below). Applic	fore, or simultaneous under 37 C.F.R. n 37 C.F.R. § 1.170 ants hereby petitionitted herewith and	f Allowance under 37 C.F.R. § usly with, the payment of the § 1.97(e) (see "Certification" i) (see "Fees" and "Method of ons for consideration of the the accompanying references
CERT	IFICATION			
	Information office in a co	Disclosure Statement was	cited in a commun	information contained in the nication from a foreign patent than three months prior to the
	Information I office in a c signing the c designated in	Disclosure Statement was ounterpart foreign patent ertification after making	cited in a commun application or, to reasonable inquiry,	nformation contained in the nication from a foreign patent the knowledge of the person was known to any individual of the prior to the filing of the
	ll, Boehnen, Hulber			U.S. Serial No.:

FEES  No fee is owed by the applicant(s).  The IDS Fee of \$180.00 under 37 C.F.R. §	1.17(p) is enclosed herewith.
METHOD OF PAYMENT OF FEES  Attached is a check in the amount of \$180.  Charge Deposit Account No. 13-2490 in the communication is enclosed for that purpose	e amount of \$ . (A duplicate copy of this
Please charge any underpayment or credit a communication to Deposit Account No. 13-2490 enclosed for this purpose.	• •
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Date: 3/11/0/3	David S. Harper Registration No. 42,636
Telephone: 312-913-0001 Facsimile: 312-913-0002	McDonnell Boehnen Hulbert & Berghoff 300 South Wacker Drive Chicago,IL 60606
McDonnell, Boehnen, Hulbert & Berghoff 300 S. Wacker Drive, Suite 3200 Chicago, IL 60606	U.S. Serial No.: Filing Date:
312-913-0001	

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### III. Discussion

In accordance with MPEP Sections 609 and 707.05(b), it is requested the documents cited be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

U.S. Serial No.: \_\_\_\_\_\_\_
Filing Date: \_\_\_\_\_\_

Respectfully Submitted,

Date: 3///, 2003

By:

David Harper
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<b>FORM</b>	PTO-1449
(Rev 2	-32\

# U.S. Department of Commerce Patent and Trademark Office

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Serial	No.

98,723-E1

10/008721

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Applicant: Saus, J

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#### **FOREIGN PATENT DOCUMENTS**

						Translation	
	Document Number	Date	Country	Class	Subclass	Yes	No
1.	WO 00/50607	Aug. 31, 2000	PCT		]		

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

2.	Aggarwal et al. (2001) TNFα in Cytokine Reference. A compedium of cytokines and other mediators of host defense Oppenheim, J.J eds. Vol. 1 (Academic Press Ltd., London), pp 413-447.
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EXAMINER	DATE CONSIDERED
	DATE SONGIBLINES

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

۔ ذ	MAR 1 1 2003	ैं उ	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).
1	PADEMARK DE	si ·	current boom in anti-TNF $\alpha$ treatment. Is there an effective means to define therapeutic targets for drugs that provide all the benefits of anti-TNF $\alpha$ and minimise hazards? Ann. Rheum. Dis. 58 Suppl1, 127-31.
		12.	Gavalas, A. and Zalkin, H. (1995) Analysis of the chicken <i>GPAT/AIRC</i> bi-directional promoter for <i>de novo</i> purine nucleotide synthesis. J. Biol. Chem. <b>270</b> , 2403-2410.
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